

## MINUTES

### STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

**March 11, 2002 - Regular Meeting**  
Rowe Six Conference Center, Building 1  
4224 6th Avenue SE  
Lacey, Washington

#### ITEM 1: CALL TO ORDER

**Acting Chair Carelli:** I will call this meeting of the Energy Facility Site Evaluation Council to order. Today is Monday, March 11, 2002, at 1:45 p.m. and we're meeting at the Rowe Six Conference Center, in Lacey, Washington.

#### ITEM 2: ROLL CALL

##### *EFSEC Council Members*

Community, Trade & Economic Development  
Department of Ecology  
Department of Fish & Wildlife  
Department of Natural Resources  
Utilities and Transportation Commission  
Chair  
Walla Walla County  
Grays Harbor County  
Port of Grays Harbor

Richard Fryhling  
Chuck Carelli  
Jenene Fenton  
Tony Ifie  
Jeffrey Showman  
Jim Luce-via phone  
Pam Ray-via phone  
Dick Dixon  
Isabelle Lamb

##### *EFSEC Staff and Counsel*

Allen Fiksdal  
Irina Makarow  
Mariah Laamb

Mike Mills  
Michelle Elling  
Robert Fallis, AAG, EFSEC

##### *Guests*

Steve Kwejen, KPLU Radio  
Laura Schinnell, Energy Northwest  
Alan Harger, Department of Transportation  
Darrel Peeples, Newport Northwest  
Mike Dunning, Counsel for the Environment  
Liz Thomas, Preston, Gates & Ellis  
Grant Bailey, Jones and Stokes  
Dave Tomlinson, Ecology & Environment  
Paul Rogerson, Grays Harbor County  
Brian Markham, BPA

Karen McGaffey, Perkins Coie  
Katy Chaney, URS  
Cindy Custer, BPA  
Lauri Vigue, WDFW  
Don Meath, Wallula ALJ  
Brian Carpenter, Rebound  
Kevin Johnson, Duke Energy  
Chuck Lean, Wallula Generation  
Tom McKinney, BPA

### ITEM 3: APPROVAL OF MINUTES

**Acting Chair Carelli:** We have before us today four sets of Council minutes dating from December 20, 2001; January 14, February 1, and February 11, 2002. Mike, are we intending to take action and approval of all four sets of these minutes today?

**Mr. Mills:** Yes, we would like the Council to approve all four.

**Acting Chair Carelli:** I wonder if we could look at these one at a time. Several just came with our packets today or were e-mailed later this morning. We will start with the minutes from December 20, 2001, a special meeting. Council Members, do you have a motion to approve these minutes?

Jenene Fenton made the following motion.

**Motion:** To approve the minutes for the December 20, 2001 Special Meeting.

Tony Ifie seconded the motion.

**Action:** The minutes were approved, with Council Chair Jim Luce abstaining because he had not seen the minutes.

Jenene Fenton made the following motion.

**Motion:** To approve the minutes from the January 14, 2002 Regular Meeting.

Tony Ifie seconded the motion.

**Action:** The minutes were approved, with Council Chair Jim Luce abstaining.

Jenene Fenton made the following motion.

**Motion:** To approve the minutes for the February 1, 2002 Special Meeting.

Tony Ifie seconded the motion.

**Action:** The minutes were approved, with Council Chair Jim Luce abstaining.

Jenene Fenton made the following motion.

**Motion:** To approve the minutes for the February 11, 2002 Special Meeting.

Tony Ifie seconded the motion.

**Action:** The minutes were approved, with Council Chair Jim Luce abstaining.

### ITEM 4: ADOPTION OF PROPOSED AGENDA

The proposed Agenda was adopted.

### ITEM 5: SATSOP COMBUSTION TURBINE PROJECT - PHASE II

<i>Land Use Consistency Hearing</i>	<i>Allen Fiksdal, EFSEC Manager</i>
-------------------------------------	-------------------------------------

**Mr. Fiksdal:** A Land Use Consistency Hearing in the matter of Satsop Combustion Turbine Project – Phase II, was held in the presence of a court reporter on March 11, 2002, from 1:35-1:45 p.m. at 4224 6<sup>th</sup> Avenue S.E., in Lacey, Washington, before Energy Facility Site Evaluation

Council members. Laura Schinnell, Energy Northwest, Katy Chaney, URS Corp. Inc. and Paul Rogerson, Grays Harbor County, gave testimony that the proposed Satsop Combustion Turbine Project-Phase II amendment application is consistent with the Grays Harbor County's comprehensive land use plan and zoning ordinances. For complete details, transcripts are available for viewing at EFSEC's office.

<b><i>Consistency with Grays Harbor County and Regional Land Use Plans and Zoning Ordinances</i></b>	<b><i>Allen Fiksdal, EFSEC Manager &amp; Michelle Elling, EFSEC Staff</i></b>
--	---

**Mr. Fiksdal:** The land use consistency hearing is completed. The next item is for the Council to determine land use consistency for the Satsop Phase II Project. As a result of your determination today, the Council will prepare an administrative order with your findings and issue that order at a later date. Staff does have a recommendation, and I will let Michelle Elling present it to you.

**Mr. Elling:** Staff recommends that the Council affirm compliance with zoning ordinances and land use plans prepared by Grays Harbor County and submitted by Laura Schinnell representing the Applicant for the Satsop Combustion Turbine Project-Phase II, and find that the proposed project is consistent with Grays Harbor County's land use plans and zoning ordinances.

**Acting Chair Carelli:** Thank you, Michelle. Are there any comments or questions from Council Members? Last chance for a public comment before the Council takes action. Hearing none, this should now be put before the Council for consideration.

**Mr. Fiksdal:** Yes. Staff recommends that you take action, and I assume one of the Council members would make a motion to find the proposed Phase II project in compliance with the Grays Harbor County's land use planning and zoning ordinances.

Mr. Ifie made the following motion

**Motion:** That the proposed Satsop Combustion Turbine Project-Phase II, is consistent and in compliance with Grays Harbor County and regional land use plans and zoning ordinances. Jenene Fenton seconded the motion.

**Acting Chair Carelli:** It's been moved and seconded, are there any question?

**Mr. Luce:** Chuck, is Counsel Rusty Fallis there?

**Acting Chair Carelli:** Yes.

**Mr. Luce:** Rusty, can I vote on this motion because I have read all of the documents and was part of the hearing today? But I want your advice on it.

**Mr. Fallis:** Yes, you may. I am not sure why you wouldn't be able to.

**Mr. Fiksdal:** Without his physical presence.

**Mr. Fallis:** Your physical presence is irrelevant to your authority to vote.

**Mr. Luce:** Thank you.

**Acting Chair Carelli:** Rusty, is the motion clear?

**Mr. Fallis:** I think so.

**Acting Chair Carelli:** So we have a motion that has been moved and seconded to approve the staff recommendation that the Satsop Combustion Turbine Project-Phase II is consistent with Grays Harbor County's land use regulations and ordinances.

**Mr. Fiksdal:** If I may, Mr. Chair, I would like to clarify that a little bit. I think the Council is finding that the Phase II project is consistent with the land use plans, not that you're approving staff's affirmation.

**Acting Chair Carelli:** Thank you. Any further discussions by members of the Council? All those in favor indicate by saying aye.

**Action:** The motion was approved unanimously.

**Acting Chair Carelli:** The motion passed, and it's my understanding that the Council will be issuing an order indicating the same. Allen, do we have an approximate date when that order will be coming?

**Mr. Fiksdal:** A week or two, soon.

<b><i>Amendment Application Review Status</i></b>	<b><i>Allen Fiksdal, EFSEC Manager</i></b>
---	--

**Mr. Fiksdal:** Thank you, Mr. Chair. As you all realize, we are reviewing the application for amendment to the Satsop Combustion Turbine Project-Phase II Site Certification Agreement. Before you, for review, is the final report from your consultant, Jones & Stokes, on their review of the application amendment. As the Council's responsible SEPA officer, I still have to make a State Environmental Policy Act (SEPA) determination. We did meet with the Applicant last week to review aspects of the Phase II project, and had a very fruitful discussion. I expect to be making that determination shortly.

**Acting Chair Carelli:** Do you have something else?

**Mr. Fiksdal:** No, I don't. I think that the Council will proceed on its review of the amendment application, and we hope that process proceeds expeditiously.

## **ITEM 6: SATSOP COMBUSTION TURBINE PROJECT – CONSTRUCTION**

<b><i>Construction Status/Site Visit (March 15<sup>th</sup>)</i></b>	<b><i>Laura Schinnell, Energy Northwest</i></b>
--	---

**Ms. Schinnell:** Thank you, Mr. Carelli. First off, for the construction progress report we've actually been doing quite a bit of concrete pours. Concrete foundation work for the heat recovery steam generators, the combustion turbine generator, and the steam turbine generator has been completed. We are working on the columns for the steam turbine generator, and some

concrete pours will occur this week on that particular item. We've also completed the floors for the nine cells of the cooling tower, and we have begun rebar installation for the raw water tank foundation. As you recall from the site plan, the raw water tank will contain 1.4 million gallons of water, and work on that tank is now in progress as well. We are approximately 65 percent complete on electrical duct bank work and have completed the auger cast piles, which support all of the equipment on site. Also of note, the Federal Energy Regulatory Commission (FERC) has issued their environmental assessment on the Williams request for the natural gas pipeline to the site. That was issued I believe on March 4.

**Mr. Showman:** Pardon me, Laura. What did FERC do?

**Ms. Schinnell:** They issued their environmental assessment for the Williams' request to construct and operate the natural gas pipeline. At this point, I believe FERC feels that they have taken care of their federal National Environmental Policy Act (NEPA) requirements related to the pipeline.

**Mr. Showman:** Are there copies of that available?

**Ms. Schinnell:** Yes, there are. I do have one copy with me if you would like to look through that, and I believe that they're also available from FERC.

**Mr. Showman:** Thank you.

**Ms. Schinnell:** We have a standing invitation for the Council to come down to the site, and Michelle Elling has made arrangements for you to visit the site on Friday, March 15. We would like to remind everybody to wear sturdy shoes, and if it's raining, rubber boots are the preferred sturdy shoes because it gets kind of muddy out on the site itself. We will also have to take a few minutes to go through the safety orientation, and you will be provided safety glasses and hard hats prior to going out on the site. There was one other item that Council staff has asked me to provide an update on. Apparently there were some questions at the last Executive Committee meeting regarding the U.S. Geological Survey (USGS) gauging station. To take you back in history to the 1980s, the USGS established a river gauging station for us for the nuclear projects. The actual location for that station was very close to where the Outfall 001 discharge location is. We were working with USGS to establish a permanent station design when construction of the nuclear plants was delayed and the permanent station was never put in. In February 2001, we contacted the USGS about reestablishing the station, and actually we were very fortunate in that the same USGS staff that had been involved with us in the 1980s were available to help reestablish the station. We had several exchanges with the USGS, EFSEC, and Ecology staff partly because USGS was suggesting that we use the Montesano station, which they had just completed installing. So we did some investigations on using that station, and in the June time frame it was decided that that station would not work in terms of the data that we needed to collect for Satsop. Starting in June, the USGS began the work necessary to reinstall a river gauging station at the Satsop location. By September they had started collecting preliminary data again from a temporary station. In January of this year, we signed a contract with USGS for the work that they had done previously, as well as installing the permanent station, and they have said that they will have some data sensors in place by April 30, with complete installation of the permanent stream flow station by June 30. And the reason we are going with USGS is, of

course, they are the experts on river gauging stations, and therefore we need to go with what their schedule permitted.

**Acting Chair Carelli:** Any questions from the Council for Ms. Schinnell? Hearing none, thank you very much. I appreciate your report today.

## **ITEM 7: CHEHALIS GENERATION FACILITY**

<b><i>Construction Status/Site Visit (March 15<sup>th</sup>)</i></b>	<b><i>Mike Mills, EFSEC Staff</i></b>
--	---------------------------------------

**Mr. Mills:** I would note that I was at the site last Friday, and construction is proceeding with activity focusing on foundation and electrical duct work. They are also continuing to work on stormwater controls, and they have implemented a number of the suggestions that were made by the Department of Ecology, and we will have an opportunity to look at those when we are at the site this Friday. Following the visit to Satsop Friday morning, we will proceed to Chehalis and have the opportunity to conduct a site visit at the Chehalis site. I believe we're scheduled to get there no later than 2:30. We are expecting to be there about an hour and a half, and we should have the EFSEC bus back in Olympia by five o'clock on Friday. That concludes my report on Chehalis. Oh, I'm sorry. I have one other item. The site certification agreement for the Chehalis project has a requirement that Tractebel/Chehalis Power submit a Greenhouse Gas Offset Strategy and Plan document. That document has been prepared and a report dated March 6, 2002 was filed with the Council, and we will be sharing this with Council members for your review.

**Acting Chair Carelli:** Is that the report that's in the packets today?

**Mr. Mills:** I believe the report is in the packets, yes.

**Acting Chair Carelli:** Anything else, Mike?

**Mr. Mills:** I don't have anything else on Chehalis.

**Acting Chair Carelli:** Questions? Mr. Showman.

**Mr. Showman:** Thank you. Will the Council be taking any action on this plan? What do we do with this other than read it with fascination?

**Mr. Mills:** I don't know that staff has had the time to consider what we're going to do with the report. Certainly we would ask members to review it, and I believe that members and staff, probably as part of an Executive Committee meeting(s), will take a look at the study and the positions that the company has taken in the plan. I'd have to look at the SCA requirement more specifically.

**Mr. Fiksdal:** I think ultimately you are going to have to take action whether to accept the plan or not. I think there is general agreement between Chehalis Power and the Council that this is the time for some review and discussion about the plan, and about what the Council likes or

doesn't like or would like to see. So we have a time to review and discuss it before you take any action.

**Mr. Showman:** Thank you.

**Mr. Fiksdal:** But we don't have a schedule set right now.

**Mr. Luce:** I would just observe I did read the report. Maybe some of you have as well, and I think that the Chehalis people have done a good job particularly in working with the local community in coming up with a proposal that will serve the local community, as well as mitigate for the greenhouse gases. And I think that that is a very positive way to go when you can place a preference of priority on local projects. The other thing I guess I would comment is it appears that they've been able to leverage their money and other funds available so as to create a bigger, better overall project, in this case for salmonid, than might otherwise be possible.

**Acting Chair Carelli:** Thank you.

**Mr. Fiksdal:** Mr. Chair, if I might add, certain provisions of the plan could be somewhat time sensitive. There is a period of time that if some money can be contributed to the local organizations, it would benefit a specific activity. So we'll look closer and talk with Chehalis Power to see what the time sensitivity is on that project in particular and possible Council action.

**Acting Chair Carelli:** Any other questions from members of the Council?

**Ms. Fenton:** Will representatives of Chehalis be available at the next executive meeting, so that we can have a discussion with them, because this will be the first greenhouse plan that we're looking and taking action on?

**Mr. Fiksdal:** If you would like them to be there, we will sure invite them.

**Ms. Fenton:** I think it would be very helpful.

**Mr. Fiksdal:** Our next regular scheduled Executive Committee meeting is next Monday. The Council hasn't been having their second committee meeting for the last couple months, and so we will have to discuss that with the Council, and the Chair, and see if that executive meeting will be scheduled, or if the next one will be the first Monday of next month. We'll work that out.

## **ITEM 8. ENERGY NORTHWEST COLUMBIA GENERATING STATION & WNP-1/4**

<b><i>Columbia Operations</i></b>	<b><i>Mike Mills, EFSEC Staff</i></b>
<p><b>Mr. Mills:</b> Thank you. Under Columbia operations, John Arbuckle has provided a one-page status report that I believe is in your packets as a handout today. I will just briefly review his report. Columbia is currently on line and operating at 100 percent power. It's been on line for 16 days. On February 14, they did shut down to address potential problems with breaker switches. He reports that they were able to trace the problems, and on February 24, the plant was returned to the electrical grid. The plant is back at full power. The second item that he notes is security,</p>	

and the Columbia Generating Station remains at a heightened level of security. On February 25, the Nuclear Regulatory Commission issued orders to the nations 104 commercial nuclear power plants to implement interim security measures for a generalized high level threat environment. The orders are effective immediately, and they are required to provide Nuclear Regulatory Commission (NRC) with a schedule for achieving full compliance within 20 days. He notes that they will soon be planning for and implementing these additional compensatory security measures, some of which may require Council approval. I have not had a chance to pursue with Energy Northwest what the Council might be doing there. I will do that this week and report back. I think the Council got a good sense of the type of security that's in place at the nuclear plant when we conducted our site visit. For myself, having gone through the plant in the past, security is much more visible, to include being accompanied by an armed guard throughout our tour. They have also made many other changes, and I guess you can call them improvements, to discourage people from driving big things through gates and a number of other areas. I believe that the conditions we observed, and based on the recent NRC actions, that the plant will remain at this high level well into the future.

<b><i>Site Visit – February 13 &amp; 14</i></b>	<b><i>Jim Luce, EFSEC Chair</i></b>
---	-------------------------------------

**Mr. Mills:** Jim, the next item is the February 13<sup>th</sup> and 14<sup>th</sup> Columbia and WNP-1/4 site visit, and if you would just comment on that briefly.

**Mr. Luce:** I can't add much more than I put in my letter to Energy Northwest's CEO Vic Parrish. I was impressed with the quality of the staffing, the expertise that they had, the professionalism that they showed, and the security that was present. The other thing I guess I walked away with, from having looked at the uncompleted No. 1 and No. 4 projects, it's an enormous tragedy that the region has suffered by these many billions of dollars being expended and now wasted, and we continue our discussions with Energy Northwest and Bonneville in terms of site restoration.

## **ITEM 9: WALLULA POWER PROJECT**

<b><i>Draft Environmental Impact Statement – Public Comment Meetings: March 13, Burbank, WA March 14, Umatilla, OR</i></b>	<b><i>Irina Makarow, EFSEC Staff</i></b>
--	--

**Ms. Makarow:** We just wanted to update you on this weeks events. On Wednesday, March 13, in Burbank, Washington, we will be holding the public comment meeting for the Draft EIS that was issued for the Wallula Power Project. We are asking that Council Members who are attending the meeting arrive at the Olympia Airport at 11:45 a.m. We have a noon time departure from Olympia on the State Patrol plane. We plan a site visit in the afternoon once we arrive there. For evening, there is going to be an open house between 6:00 and 7:00 p.m., and then we will be taking public comments between 7:00 and 9:00 p.m. I am assuming that we will have one or two food stops in between, and we will be flying back to Olympia around 10:00 P.M.

**Acting Chair Carelli:** Who's going to attend the meeting in Umatilla?

**Ms. Makarow:** Allen.



**Acting Chair Carelli:** Allen, congratulations.

**Mr. Fiksdal:** Thank you.

#### ITEM 10: STARBUCK POWER PROJECT

<i>Request for Suspension of Proceedings</i>	<i>Elizabeth Thomas, Starbuck Power &amp; Allen Fiksdal, EFSEC Manager</i>
--	--

**Mr. Fiksdal:** Thank you, Mr. Chair. Liz Thomas from Preston, Gates, and Ellis, representing the company, will join me. In your packet you have a letter from Ms. Thomas regarding the Starbuck Power request for a suspension of proceedings, and I'll let Ms. Thomas explain the letter.

**Ms. Thomas:** Thank you. Good afternoon, Council Members. The Starbuck Power Project is requesting that EFSEC suspend activities on the project for a period of six months, and basically that the suspension go into effect immediately. The project's EIS, as we understand it, has been developed to the point where it is finished from the substantive standpoint aside from being put into final camera ready format, with a final review by Bonneville.

There was to have been the first prehearing conference this upcoming Friday. That would have been the time interventions would have been decided and the schedule would have been addressed. We've asked that that prehearing conference be canceled and it's my understanding that a notice has gone out canceling that conference. The company is making this request in order to provide some time to evaluate their options, to include selling the project, restarting permitting, or perhaps terminating it. The suspension request really was triggered by the inability of Bonneville to provide commitments regarding funding and construction of transmission facilities to the project, changes in wholesale power markets, and FERC's imposition of caps on wholesale prices. We have made a parallel request to the Bonneville Power Administration and received notice that they are comfortable putting the project in that kind of suspended position.

**Acting Chair Carelli:** Mr. Fiksdal, any other comments, suggestions for the Council?

**Mr. Fiksdal:** Before we go on, I believe that Alex Leventis who represents Columbia County, is on the phone line, is that right?

**Mr. Leventis:** Yes, I am on the phone, Allen.

**Mr. Fiksdal:** Okay. Thank you very much. Yes, staff would recommend that the Council take an action that's in three parts, and I don't know if you want to take three separate actions or one action. One is to suspend the review of the Starbuck application, including the preparation of the DEIS, the review of the PSD application, and the review of any other permits. Second would be to suspend the adjudicative proceeding for six months, and third would be a requirement for the applicant to notify the Council of the project status prior to the end of the six-month suspension period, around September 11, 2002. That's the action that we request the Council to take. Once

you take that, we will send out appropriate notification to all that are interested. I might add we already have notified our consultants to cease work on this project.

**Acting Chair Carelli:** Okay. Clearing it with Rusty, it looks like one action is fine, and if somebody on the Council would be so kind as to make a motion.

Jenene Fenton made the following motion.

**Motion:** I move that we adopt staff's recommendation regarding the suspension of the Starbuck Project review.

Jeffrey Showman seconded the motion.

**Acting Chair Carelli:** It's been moved and seconded. Any further discussion? I think before we vote on this I'm going to ask if there's any public comment or anyone else that would like to comment on this matter? Hearing none or seeing no interest, we will proceed to vote.

**Action:** The motion passed unanimously.

**Mr. Fiksdal:** Mr. Leventis, did you vote on that?

**Mr. Leventis:** I voted in favor of the motion.

**Mr. Fiksdal:** Thank you.

**Acting Chair Carelli:** Ms. Thomas, thank you very much.

**Ms. Thomas:** Thank you very much, Members of the Council.

**Acting Chair Carelli:** We will look forward to hearing from you in September.

**Ms. Thomas:** We will report back. Thank you.

## **ITEM 11: CHAIR'S REPORT**

**Mr. Luce:** I have nothing to add.

## **ITEM 12: OTHER**

**Acting Chair Carelli:** I had two items to comment on. The first being that the Department of Ecology is nearing agreement with EFSEC on a master contract to assist in the review of some of the energy projects before EFSEC, primarily Wallula, and undoubtedly Satsop in the near future. We hope to work out the final language of the contract and have that available for the Chair to sign possibly as early as next Monday. Second, Allen reminds me that in looking at the form of our minutes, we have two different versions or levels of detail before us. I am wondering if members of the Council have any preference in what the minutes look like or any advice to staff

on the form for pulling the minutes together, so that it's both a little less burdensome on staff, and more timely for ourselves and for the public at large?

**Mr. Fiksdal:** As you recall, it was taking a lot of time to prepare the minutes, so we have contracted with our gracious and wonderful court reporter to do the minutes for us, and we want to know if those are all right with you now that you've seen them, or if you would rather have something different. We're looking for a little feedback, should we continue with simply the verbatim minutes, or would you prefer to go back to something else?

**Ms. Fenton:** I like the one's that Shaun is doing.

**Mr. Fryhling:** Mr. Carelli, I was just going to say if you're having her doing it, let's go with that. I want to know if the terms wonderful and whatever other adjective you used there when you described her services, will those be relected in the minutes.

**Mr. Fiksdal:** I hope so.

**Acting Chair Carelli:** Any other comments or questions concerning the minutes?

**Mr. Showman:** In general, if they're going to be long minutes, it seems to take a little longer to prepare them. I would benefit from minutes sooner, so, you know, finding that balance between early versus thorough is tough, but I am sure you will be able to find it.

**Acting Chair Carelli:** Okay. Do we have anything else to come before the Council? Ms. Fenton.

**Ms. Fenton:** I just had a question. You jumped right over the Ecology contract. Is that contract for Ecology to serve as our contractor or is this part of the discussion that Ecology staff could be reimbursed for the review of projects? I was just curious as to which or both.

**Acting Chair Carelli:** This is a contract with the Department of Ecology, not a contract per se, more an agreement, where Ecology will provide certain application review, and possibly permitting services to the Council. Hopefully in the longer term, the contracts that Ecology currently has for air and for nuclear waste would be rolled into this one single contract with EFSEC, so that any work that the agency is doing for EFSEC would come under the umbrella of this one agreement.

**Ms. Fenton:** All work, all review of potential projects as they come up?

**Acting Chair Carelli:** Yes.

**Ms. Fenton:** Okay. Thank you.

**Acting Chair Carelli:** Each project would be identified with a specific task assignment between EFSEC and the Department of Ecology outlining the work that would be done and the cost of performing that work.

**Mr. Fryhling:** This is a question. Are these requirements that Ecology already by law is charged to carry out or enforce? Are they being paid double for the same package?

**Acting Chair Carelli:** No. This is work that EFSEC is responsible for doing. EFSEC would be contracting with Ecology to carry out a specific activity. It would be nice to be paid twice, but that doesn't happen.

**Mr. Fiksdal:** I think the fundamental assumption here is that due to RCW 80.50, EFSEC supersedes all other state and local governments in its regulatory authority, and we're contracting with Ecology to provide their expertise on behalf of the Council, but the Council has the authority instead of Ecology [for EFSEC projects].

**Mr. Fryhling:** For siting?

**Mr. Fiksdal:** For review of issues, yes.

**Mr. Elling:** Actually, if you look at the rules for Ecology, they are allowed to charge fees for permits like NPDES permits, but there's a clause in their own rules that says for energy facilities they're not allowed to charge for them. Through this contract, we would be able to utilize the department's expertise, and we would provide the funding for that, so they wouldn't get double paid for that kind of work.

### **ITEM 13: ADJOURN**

**Acting Chair Carelli:** We are adjourned.

The meeting was adjourned at 2:35 p.m.